

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

September 19, 2005
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Doug Reese, Ron Christianson, Bruce DeBlieck, Denis Anderson, Cindy Swenson, Rick Fagerlie, Jim Dokken, and Steven Gardner; Present 9, Absent 0.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief Jim Kulset, Fire Chief Marv Calvin, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, and City Clerk Kevin Halliday.

The Planning Committee Minutes for September 14, 2005, were removed from the Consent Agenda.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of September 6, Rice Hospital Minutes of September 7, Municipal Utilities Commission Minutes of September 12, Community Education and Recreation Minutes of August 26, 2005; and the Mayor's reappointment of Terrill Reimer to the Police Civil Service Commission. Council Member Christianson seconded the motion, which carried.

The Council requested clarification of Planning Commission items regarding acquisition of a home at 125 Benson Avenue Southeast and temporary/portable signs. The Mayor requested that the concept of a community sign board be referred back to the Commission. The Planning Commission Minutes of September 14, 2005, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Reese, and carried.

At 7:10 p.m. Mayor Heitke opened a hearing on an Ordinance Amending Willmar Municipal Code Section 8-201 through 8-208 and Implementing the Automated Pawn System. Police Chief Kulset presented an overview of the Automated Pawn System. Phil Hafvenstein from the Minneapolis Police Department and Director of the Automated Pawn System developed in Minneapolis in 1997, appeared before the Mayor and Council to explain the management and data storage of pawn transactions of the participating agencies. He detailed the process from point-of-sale data entry through investigative benefits for law enforcement. Dennis Johnson, Security Coin and Pawn, discussed the extra staffing needs required for data entry and requested additional time to implement the new requirements. Kip Foster, KC Pawn and Gun Shop Inc., voiced his concerns including consideration of licensing other shops that buy items similar to pawn shops. Kent Baumann, Investigator with the Kandiyohi County Sheriff's Department, spoke in favor of the Automated Pawn System. Karen Wentzel, Wentzel's New and Used, expressed concerns if their business was similarly regulated. Upon hearing all those who wished to be heard, Mayor Heitke closed the meeting at 7:52 p.m.

Following discussion, Council Member Reese offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending Willmar Municipal Code Section 8-201 through 8-208 and Implementing the Automated Pawn System in the City of Willmar, amending the effective date to April 1, 2006, and reducing the hold time of 30 days to 21 days. Council Member

Anderson seconded the motion, which carried on a roll call vote of Ayes 6, Noes 2 – Council Members Gardner and Dokken voted “No.”

Mayor Heitke recognized two City employees retiring from public service. The Mayor acknowledged Dave Gort, who worked with the Recreation Department for 31 years, and Dick Powers, who worked with the Public Works Department for 36 years; thanking them for their dedicated service and extending congratulations and best wishes in retirement.

David Becker, Anne Lankey, Warren Jorgenson, and Cathy Kallevig, who are residents on Kandiyohi Avenue Southwest, had signed up to address the City Council during its scheduled Open Forum. They discussed with the Mayor and Council localized flooding in their neighborhood (10th Street and Kandiyohi Avenue SW) during a recent storm and requested efforts be made to improve the stormwater infrastructure.

At 8:29 p.m. Mayor Heitke opened a hearing on an Ordinance to Amend the Shoreland Ordinance 1022. Planning and Development Services Director Peterson presented details of the amendment which adds text to the Shoreland Ordinance to include Oslo Lake as a natural environmental lake. There being no one to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 8:30 p.m.

Council Member Christianson offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending No. 1022 Known as the Willmar Shoreland Ordinance by Amending Various Sections. Council Member Dokken seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

The Community Development Committee Report for September 7, 2005, was presented to the Mayor and Council by Council Member DeBlieck. There was one item for Council consideration.

Item No. 1 Staff presented to the Committee and others present a history and background on the street alignment issue relative to the Duininck plat. Representatives from the Kandi Entertainment Center, Duininck Brothers Inc., Bremer Bank, Chamber of Commerce, Gesch Properties, Planning Commission, and WalMart were present to speak in favor of or in opposition to the Duininck Plat and 5th Street alignment. This matter was for information only.

The Community Development Committee Report for September 7, 2005, was approved as presented and ordered placed on file in the Clerk's Office upon motion by Council Member DeBlieck, seconded by Council Member Christianson, and carried.

The Community Development Committee Report for September 15, 2005, was presented to the Mayor and Council by Council Member DeBlieck. There were three items for Council consideration.

Item No. 1 The Committee discussed the Duininck plat street alignment issue and reviewed a letter from Gesch Properties, LLC stating that they no longer opposed the westerly alignment option for 5th Street SE. Orvis Pattison informed the Committee he was planning legal action against the Developer/City if the westerly alignment was selected. Mr. Pattison anticipated a problem with traffic running diagonally across the KEC parking lot to avoid the signals at 5th Street and 19th Avenue. Mr. Pattison also said that the access to his property would be negatively impacted. Staff said there were several options for accessing the KEC site from 5th Street, as well as from 19th Avenue SE.

The Committee discussed the Duinick development proposal and the benefits that it brings to the community. Those benefits were determined to include: real estate taxes, jobs, storm water improvements, logical growth and expansion of the City, and the expansion of the street network with connectivity for traffic distribution and public safety.

Council Member Reese moved to approve the westerly alignment as shown on the Duinick Plat with the provision that a Developer's Agreement be completed and approved by the City Council prior to consideration of the final plat. Council Member Anderson seconded the motion which carried on a roll call vote of Ayes 7, Noes 1 – Council Member Dokken voted "No."

Item No. 2 The Committee considered a purchase agreement for the house at 125 East Benson Avenue and was informed that staff moved quickly to enter into a purchase agreement on this property contingent upon Council approval. The Committee discussed the status of the property and agreed that it was indeed blighted and in need of removal.

The Committee was recommending the Council proceed with the acquisition, with initial funding being a loan from the Public Improvement Revolving Fund and repayment to come from the 2006 Budget. Council Member DeBleck moved to approve the recommendation of the Community Development Committee with Council Member Swenson seconding the motion, which carried.

Item No. 3 It was the consensus of the Committee to discuss the declining conditions of some neighborhoods and what the City might do to plan for rehabilitation and improvements. This matter was for information only.

The Community Development Committee Report for September 15, 2005, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBleck, seconded by Council Member Dokken, and carried.

The Finance Committee Report for September 12, 2005, was presented to the Mayor and Council by Council Member Anderson. There as one item for Council consideration.

Item No. 1 Mayor Heitke presented to the Committee his proposed revenues and expenditures. Notable highlights of the 2006 Budget included the following: addition of one Police Officer and one Public Works Maintenance position; general 3 percent cost-of-living increases per Department to reflect employment contract provisions; increases at the Civic Cent to reflect the City's takeover of the Blue Line Center Building (primarily capital outlay); significant decreases in Capital Outlay due to less major capital equipment purchases (2005 Budget included a new Fire Truck and Public Works truck and related equipment); although the Capital Outlay does include major improvements to the Blue Line Center Building including insulation and dehumidifier and new Zamboni; appropriations for Downtown development; the first of a five-year contribution to the Humane Society for a new facility; and a one-time contribution to the Meals on Wheels capital campaign for a new kitchen facility.

Mayor Heitke stated that the proposed 2006 Budget totaled \$18,842,470 of which the General Operating Budget totals \$10,415,016. The City's 2005 property tax levy is \$2,255,677. The 2006 proposed levy is \$2,335,677. The \$80,000 increase is intended to capture new property valuation generated in 2005. Essentially, after receiving the final numbers from the County Auditor, it is expected that the City's tax capacity rate will equal that of 2005 and maybe lower.

The Committee was recommending the Council set the Truth-in-Taxation hearing for the December 5, Council meeting with December 19, 2005, set for a continuation hearing if needed. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member DeBleck seconding the motion, which carried.

The Finance Committee Report for September 12, 2005, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Fagerlie, and carried.

The Public Works/Safety Committee Report for September 13, 2005, was presented to the Mayor and Council by Council Member Reese. There were six items for Council consideration.

Item No. 1 The Committee considered a proposed amendment to the Storm Water Management Ordinance adopted in January of 1999. The amendment clarifies the most current version of the NPDES Permit shall govern for water quality. All rate control requirements will remain the same.

The Committee was recommending to the Council that the ordinance amendment be introduced and a hearing scheduled for October 3, 2005 at 7:02 p.m. Council Member Anderson moved to introduce the Stormwater Management Ordinance with Council Member Christianson seconding the motion, which carried.

Item No. 2 The Committee reviewed a change order and final pay estimate to Chad Monson Excavation for work completed at the South Swansson Field storm pond. The 2004 Street Budget contains \$35,000 for the project, and the original quote from Monson Excavating was \$29,700 for work completed last year. This year staff determined the pond was draining slower than anticipated and hired Monson Excavating to do additional tiling and rock placement. The cost of the additional work is \$1,100 for which a change order has been prepared. The final pay estimate reflects the additional work.

The Committee was recommending the Council approve Change Order No. 1 and authorize final payment. Resolution No. 1 was introduced by Council Member Reese, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

WHEREAS, a contract has been awarded to Chad Monson Excavating, LLC. of Willmar, Minnesota, on October 4, 2004 in the amount of \$29,700.00 for construction of a storm water pond near South Swansson Field; and

WHEREAS, it is desired to add additional work to the above contract for inlet control modifications.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that:

1. Additional work is herewith authorized to be added to the above contract in the amount of \$1,100.00 and identified as Change Order No. 1.
2. Funding for the additional work is from the project budget.

Dated this 19th day of September, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Sam Lahanis of Donohue and Associates gave a brief presentation to update the Committee on the progress of the Wastewater Treatment Plant Relocation Project. Information has been gathered on existing conditions and making growth projections to enable sizing of a new plant. Mr. Lahanis requested permission to conduct an informational meeting on October 27, 2005. It was the consensus of the Committee to proceed with the meeting which includes public notices. This matter was for information only.

Item No. 4 Fire Chief Calvin notified the Committee of the receipt of a grant from the Department of Homeland Security which the Fire Department received authorization to apply for in 2004. The grant is a 90/10 funding split with the Department receiving \$101,234 to purchase radios for the new truck 34 pagers, and 40 hours of training for the Firefighters. This matter was for information only.

Item No. 5 The Committee reviewed correspondence and a map recently received from Kay Thompson, Festival Chair for the Celebrate Art – Celebrate Coffee event. The 8th annual festival is planned for September 17, 2005, and they asked the City's assistance in setting up. City staff has reviewed the layout with no objections to the street closures. This matter was for information only.

Item No. 6 Dave Becker of 1010 Kandiyohi Avenue SW appeared before the Committee to discuss storm water issues in his residential area. This matter was referred to staff and was for information only.

The Public Works/Safety Committee Report for September 13, 2005, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Anderson, and carried.

Following discussion of the 2005 Public Power Week, Resolution No. 2 was introduced by Council Member DeBlieck, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

2005 Public Power Week

WHEREAS, we, the citizens of Willmar, place high value on local control over community services and therefore have chosen to operate a community-owned, locally controlled, not-for-profit electric utility and, as consumers and owners of our electric utility, have a direct say in utility operations and policies; and

WHEREAS, Willmar Municipal Utilities provides our homes, businesses, farms, social service, and local government agencies with reliable, efficient, and cost-effective electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates; and

WHEREAS, Willmar Municipal Utilities is a valuable community asset that contributes substantially to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development, and safety awareness; and

WHEREAS, problems with the deregulation of the electric utility industry have renewed

public interest in and appreciation for the concept of locally controlled, community-owned public power systems; and

WHEREAS, Willmar Municipal Utilities is a dependable and trustworthy institution whose local operation provides many consumer protections and continues to make our community a better place in which to work and live;

NOW, THEREFORE BE IT RESOLVED, that Willmar Municipal Utilities will continue work to bring lower-cost, safe, reliable electricity to community homes and businesses just as it has since 1895, the year when the utility was created to serve all the citizens of Willmar; and

BE IT FURTHER RESOLVED, that the week of October 2-8, be designated the 19th annual Public Power Week in order to honor Willmar Municipal Utilities for its contributions to the community and to make its consumer-owners, policy makers, and employees more aware of its overall contributions to their well-being; and

BE IT FURTHER RESOLVED, that our community joins hands with more than 2,000 other public power systems in the United States that through local, community-ownership ensure cost-cutting service for electricity customers.

Dated this 19th day of September, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Planning and Development Services Director Peterson presented to the Mayor and Council the final plat for the Super 8 Addition, a two-lot plat consisting of the Super 8 site and a second lot for resale for commercial development proposed by David Baker. The property is accessed via 28th Avenue Southeast, and the Planning Commission has approved of the final plat. Council Member Christianson moved to approve the final plat for the Super 8 Addition with Council Member Gardner seconding the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council the final plat for the Bjornson Addition, a two-lot plat for twin-home development by John Bjornson. The replatting is being done to allow each unit of the twin home to be sold, with the property line down the middle of the two units. Utility easements were added as requested by the Willmar Municipal Utilities. Council Member Fagerlie moved to approve the final plat for the Bjornson Addition with Council Member DeBlieck seconding the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, September 26, and Public Works/Safety, September 27, 2005.

There being no further business to come before the Council, the meeting adjourned at 10:03 p.m. upon motion by Council Member Reese, seconded by Council Member Fagerlie, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL